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Paper No.

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MAY 26 2005

OFFICE OF PETITIONS

In re Application of
Masaaki Asonuma
Application No. 10/697,249
Filed: October 31, 2003
Attorney Docket No. SHO-0023
Title: GAMING MACHINE

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: DECISION ACCORDING STATUS
: UNDER 37 C.F.R. § 1.47(b)
:
:

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47 TO ACCEPT DECLARATION WHEN INVENTOR REFUSES TO JOIN IN APPLICATION" filed March 29, 2005.

The petition is **GRANTED**.

The above-identified application was filed on October 31, 2003, without an executed oath or declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," mailed August 11, 2004, on October 1, 2004, applicants filed the initial petition under 1.47. However, by decision mailed December 30, 2004, the petition was dismissed for failure to make an adequate showing that inventor Asonuma has refused to join in the application. Rule 47(b) applicant had not shown that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor¹. See MPEP 409.03(d).

On instant renewed petition, rule 47(b) applicant has provided a SECOND DECLARATION UNDER 37 C.F.R. § 1.132 setting forth the facts relied on to show that inventor Asonuma has refused to join in the application. This additional evidence has been

¹ Petitioner previously met all other requirements of § 1.47(b). The initial petition included payment of the petition fee; a showing of proprietary interest; a showing of irreparable harm; a statement of the last known address of the non-signing inventor; and a declaration executed in compliance with §§ 1.63 and 1.64.

considered, and it is concluded that petitioner has now provided proof of the unavailability of inventor Asonuma.

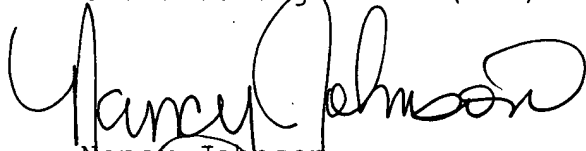
The declaration filed October 1, 2004, and the petition have been reviewed and are now found in full compliance with 37 C.F.R. § 1.47(b).

This application is hereby accorded Rule 1.47(b) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be examined in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Masaaki Asonuma
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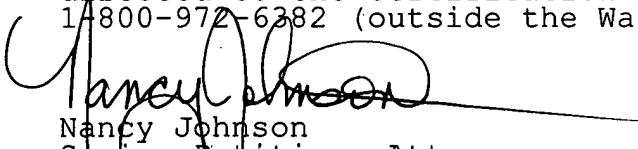
: **OFFICE OF PETITIONS**
:
: **LETTER**
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Dear Mr. Asonuma:

You are named as sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Nancy Johnson
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